

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEBRASKA

BYRON K. RED KETTLE,)	
)	
Petitioner,)	8:13CV171
)	
v.)	
)	
MICHAEL L. KENNY, Director,)	MEMORANDUM AND ORDER
Nebraska Department of)	
Correctional Services,)	
)	
Respondent.)	
_____)	

This matter is before the Court on petitioner Byron Red Kettle's Motion for Copies (Filing No. [60](#)), Motion for Discovery (Filing No. [62](#)), Motion to Expand the Record (Filing No. [63](#)), and Motion for Enlargement of Custody (Filing No. [64](#)). Upon careful consideration,

IT IS ORDERED:

1) Red Kettle's Motion for Copies (Filing No. [60](#)) is denied. To the extent Red Kettle seeks *free* copies of documents, he does not have the right to receive copies of documents without payment, even if the Court granted him leave to proceed in forma pauperis. See [28 U.S.C. § 1915\(a\)\(1\)](#) (providing that a court may authorize the commencement of a suit "without prepayment of *fees or security therefor*") (emphasis added). If plaintiff requires copies of court documents, he should contact the court clerk's

office to determine the proper method for requesting and paying for copies.

2) Red Kettle's Motion for Discovery (Filing No. [62](#)), Motion to Expand the Record (Filing No. [63](#)), and Motion for Enlargement of Custody (Filing No. [64](#)) are denied as premature. This case remains closed and will remain closed until after the court issues a ruling on Red Kettle's Motion for Relief From Judgment (Filing No. [61](#)). If the Court reopens this matter and finds Red Kettle has set forth cognizable claims in his habeas corpus petition, the Court will order respondent to file state court records. Red Kettle may *then* file a motion with the Court requesting additional state court records in the event he believes additional documents or materials are relevant to his claims.

3) To the extent Red Kettle seeks release from custody at this time, his request is denied.

4) Red Kettle's Motion for Relief From Judgment
(Filing No. [61](#)) remains pending, and respondent must file any
opposition to the motion within 14 days.

DATED this 14th day of July, 2015.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court

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